

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL CARY SNOWDEN and
BRENDA ASCENCIO,

Plaintiffs,

V.

WELLS FARGO BANK, N.A., ET AL.,

Defendants.

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No. 3:18-cv-1797-K

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated January 18, 2019, the Court finds that the Findings and Recommendation of the Magistrate Judge are correct and they are accepted as the Findings, Conclusions, and Recommendation of the Court.

IT IS, THEREFORE, ORDERED that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. Wells Fargo Bank, N.A.'s Motion to Dismiss (Doc. No. 50), is **GRANTED**.

Plaintiffs' claims for violations of the Texas Property Code and wrongful foreclosure are **DISMISSED WITH PREJUDICE**. Plaintiffs' claims for breach of contract and violations of the TDCA are **DISMISSED WITHOUT PREJUDICE**.

As to Plaintiffs' claims that are dismissed without prejudice, Plaintiffs' shall have

21 days from the date of this order in which to file an amended complaint, and if Plaintiffs fail to do so, the remaining claims shall be dismissed without prejudice and without further notice.

SO ORDERED.

Signed February 12th, 2019.

A handwritten signature in black ink, reading "Ed Kinkeade", written over a horizontal line.

ED KINKEADE

UNITED STATES DISTRICT JUDGE